

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

25 FEB 1993

RECEIVED

MAR -9 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

THE SECRETARY - ROOM 222

IN REPLY REFER TO:
7330-7/1700A3

Honorable Lincoln Diaz-Balart
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Diaz-Balart:

This is in reply to your letter of February 9, 1993, in which you inquired on behalf of your constituent, Herbert J. Chutter, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Mr. Chutter is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

No. of Copies rec'd 2 copies
List A B C D E

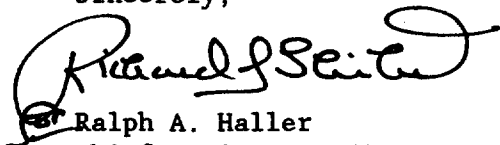
Honorable Lincoln Diaz-Balart

2.

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due May 28, 1993, and Reply Comments are due July 14, 1993. We expect final rules to be issued in 1994. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,



Ralph A. Haller
Chief, Private Radio Bureau

Enclosures:
Notice
Order
Discussion paper

cc:
Chief, PRBureau
Chief, LM&M Divison
Docket Files, Room 222
P&P Branch File (Pink)

CNTL NO - 9300640

DFertig/RShiben:/gb/lm:PR

Congressional

DUE OBC: 2-25-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 02/17/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300640	02/17/93	02/09/93	03/02/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Lincoln Diaz-Balart	BC

CONSTITUENT'S NAME	SUBJECT
Herbert J Chutter	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB/mm			
5-18-93			
DATE	DATE	DATE	DATE
02/17/93			

REMARKS: Contact person: Ms. Johanna Garcia, 305-470-8555.

Congress of the United States
House of Representatives
Washington, DC 20515-0921

PRB
92-235
640

February 9, 1993

Ms. Linda Townsend Solheim
Director, Legislative Affairs
Federal Communications Commission
Room 808
1919 M Street, N.W.
Washington, D.C. 20554

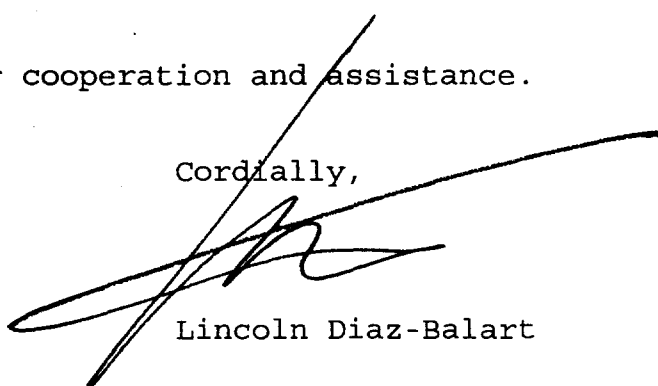
Dear Ms. Solheim:

This is on behalf of my constituent, Herbert J. Chutter, who has contacted me for assistance on a problem with which the Federal Communications Commission might be able to help. I have enclosed all the information which we have been given on this particular case for your review.

I would very much appreciate you looking into this matter and I look forward to hearing from you in the near future. If you have any questions, please contact my aide, Ms. Johanna Garcia, at (305) 470-8555.

Thank you for your cooperation and assistance.

Cordially,



Lincoln Diaz-Balart

LDB:jg
Enclosure

cc: Mr. Herbert J. Chutter
7750 S.W. 115 Street
Miami, FL 33156

2/8/93

Dear Congressman Lincoln Diaz-Balart:

For years my son and I have been building and flying remote controlled airplanes. We have invested thousands of dollars into radio equipment and aircraft. The interest my son has in this hobby resulted in his decision to choose a career in professional aviation.

I am very concerned about proposed rules that are currently under consideration by the Federal Communications Commission (FCC). The proceeding is PR Docket 92-235. If adopted, the new rules will greatly reduce the usability of frequencies currently assigned for model use and increase the risk of accidents and attendant liability for controlling model airplanes.

Our radio control frequencies are in the 72 - 76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

Now the FCC wants to create more land mobile frequencies by splitting them into narrower bandwidths and rearranging the band plan. As a result, many land mobile frequencies will move closer to the radio control frequencies and cause interference to radio control operations. I am told that of the 50 frequencies and cause interference that are presently available for radio control of model airplanes, only 19 frequencies will be left if these new rules are adopted.

When we fly our model airplanes under radio control, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

Please understand that many model airplanes have wing spans up to 10 feet and weigh as much as 30 or 40 pounds. The models themselves are expensive to build; but more to the point, they are capable of causing property damage, serious injury, or even death if radio interference causes the operator to lose control of the craft. We often fly our models at organized events and contests where hundreds of operators participate. We need the

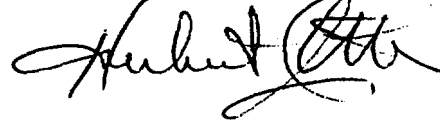
use of our full complement of radio frequencies in order to assure a safe flying environment.

I do not think it is wise of the FCC to seek to improve the operating conditions of land mobile radio users at the expense of radio control modelers. The FCC may not think we are as important as business users of radios, but we have a considerable investment in our models and in our radio equipment. The hobby provides many hours of enjoyment to thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me continue the safe enjoyment of my pastime by not allowing the FCC to carry out its proposals for the 72-76 MHz band.

Sincerely,

Herbert Chutter

A handwritten signature in dark ink, appearing to read 'Herbert Chutter', with a stylized flourish at the end.